

REMARKS

Claims 1-15 and 17-21 are all the claims pending in the application.

Objection to the Title

The Examiner objects to the title as not descriptive. Applicants have amended the title in a manner believed to overcome the objection.

Claim Rejections - 35 U.S.C. §112

Claims 1-21 stand rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended the claims in a manner believed to overcome the rejection.

Allowable Subject Matter

The Examiner has indicated that claims 16-21 include allowable subject matter. Claims 17-21 have been rewritten in independent form and are therefore allowable. The subject matter of claim 16 has been incorporated into claim 1 and claim 16 has been canceled. Therefore, claim 1 is now allowable.

Claim Rejections

Claims 1-5, 9, 12 and 13 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Sowlati et al. (U.S. Patent Application Publication No. 2002/0047154). Claims 6-8, 10, 11 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sowalti in view of Hajimiri et al. (U.S. Patent No. 6,690,570).

As stated above, the allowable subject matter of claim 16 has been incorporated into claim 1. Therefore, claim 1 is now allowable. Additionally, claims 2-13 and 15 depend from claim 1 and are allowable at least because of their dependency.

Claim 14 is allowable at least because even the combined teachings and suggestions of Sowalti and Hajimiri fail to disclose each and every element as claimed. For example, claim 14 sets forth that the distance between vias in adjacent electrodes is greater than the distance between adjacent vias in the same electrode. The Examiner asserts that Fig. 5 of Hajimiri teaches claimed relationship of distances between the vias. Hajimiri but fails to specifically disclose the spacing as claimed. In asserting that Hajimiri teaches the claimed spacing, it appears as though the Examiner is relying on the proportions shown in Fig. 5 of Hajimiri. However, unless a patent indicates that the drawings are to scale, the proportions of features in a drawing are not evidence of actual proportions (*see* MPEP §2125). Therefore, it is inappropriate for the Examiner to rely on the Hajimiri proportions as being drawn to scale. Additionally, Sowalti does not teach the claimed spacing and the Examiner does not assert that Sowalti teaches the spacing. Accordingly, claim 14 is allowable over the combination of Sowalti and Hajimiri.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/753,325

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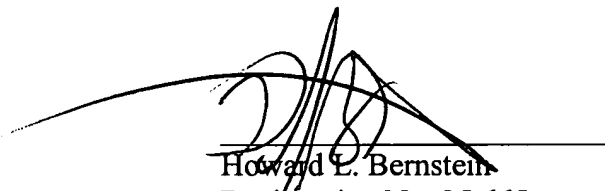
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